

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re FLINT WATER CASES

Civil Action No. 5:16-cv-10444-JEL-MKM (consolidated)

Hon. Judith E. Levy
Mag. Mona K. Majzoub

Elnora Carthan, *et al.* v
Governor Rick Snyder, *et al.*

Civil Action No. 5:16-cv-10444-JEL-MKM

**RESPONSE OF CITY OF FLINT TO
CLASS PLAINTIFFS' RENEWED MOTION TO APPOINT
INTERIM SUBCLASS SETTLEMENT COUNSEL [DKT. 922]**

Defendant City of Flint ("City") takes no position with respect to the above-referenced motion, on the understanding that this does not mean that it agrees or acquiesces that the structure or subclass representatives proposed by Class Plaintiffs is sufficient to resolve the inherent conflict concerns recognized by the Supreme Court in *Amchem Products, Inc. v. Windsor*, 521 U.S. 591 (1997), *Ortiz v. Fibreboard Corp.*, 527 U.S. 815 (1999) and their progeny. The City believes that those complex issues are best addressed in the context of a class certification

proceeding. If the City's understanding of the Court's intentions is incorrect, it requests that the Court allow additional time to allow substantive briefing on the substantive issues.

Respectfully submitted,

*Attorneys for Defendant
City of Flint*

/s/ William Y. Kim (w/consent)
WILLIAM Y. KIM (P76411)
REED E. ERIKSSON (P77085)
1101 S. Saginaw, 3rd Floor
Flint MI 48502
(810) 766-7146
wkim@cityofflnt.com
reriksson@cityofflnt.com

Dated: August 23, 2019

*Attorneys for Defendant
City of Flint*

/s/ Sheldon H. Klein
FREDERICK A. BERG, JR. (P38002)
SHELDON H. KLEIN (P41062)
Butzel Long, P.C.
150 West Jefferson, Suite 100
Detroit MI 48226
(313) 225-7000
bergf@butzel.com
klein@butzel.com

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2019, I electronically filed the above document with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

/s/ Sheldon H. Klein
Sheldon H. Klein (P41062)
klein@butzel.com